

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

FOR APRIL 19, 2006

ROLL CALL

12 present and 0 absent

PRAYER

Commissioner Bury led the commissioners in prayer

APPROVAL OF THE MINUTES OF THE APRIL 5, 2006 REGULAR MEETING

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to approve the Minutes of the April 5, 2006 Regular Meeting.

ITEMS NOT ADDRESSED ON THE AGENDA

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to suspend the rules for the purpose of passing Council Resolution 06-27 by waiving subsection 7 of the Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

PUBLIC COMMENT ON ANY PUBLIC MATTER

None

CHIEF EXECUTIVE’S REPORT

Chief Executive informed the council that he has met twice on developing the vision for the Butte Hill. They are going to meet with the steering committee on the 27th of April in his office.

Yesterday Water and Technology broke ground for their new office in our new URA District, the RRA. He read a letter of thanks from Water and Technology.

This Friday there will Take Back the Night ceremony that will conducted on the Courthouse steps from 7PM till 8PM so we can show our community support and opposition to any type of domestic violence.

At the next staff meeting if any of you have any interest in incident command and what happens during an emergency, Jeff Miller with the Fire Department is going to give a one hour training. If any of you are interested in that please let me know.

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING THE AMENDMENT OF THE FY 05-06 BUDGET TO CREATE BUDGET AUTHORITY FOR THE UNANTICIPATED REVENUE FROM THE DEPARTMENT OF CORRECTIONS FOR INMATE HOUSING. (Communication No. 06-177) **Proof of publication was noted and placed on file.**

Sheriff Walsh, explained the money would be spent to try to offset some of the expenses for the elevator maintenance contract that was not anticipated, the medical expenses that are becoming quite problematic, operating issues and safety issues.

Chief Executive Babb opened the public hearing at 7:30 PM and called for any proponents. On the third and final call there being none he called for opponents. Again there was no response so he closed the public hearing at 7:31 PM

SECTION II PUBLIC HEARING

FOR THE PURPOSE OF HEARING PUBLIC COMMENTS REGARDING A REQUEST BY THREE BEARS ALASKA FOR A LOCAL OPTION – TAX ABATEMENT AS DESCRIBED BY MONTANA CODE ANNOTATED (MCA), 15-24-1402, NEW OR EXPANDING INDUSTRY – ASSESSMENT – NOTIFICATION. (Communication No. 06-205 was placed on file 4/12/06) **Proof of publication was noted and placed on file.**

Russ Connole, Economic Development Director, gave the staff report and Jeff Amerman Director of the Finance and Budget Department, explained the tax abatement schedule.

Steve Mierop, Financial Officer for Three Bears Alaska, thanked the council for having him here and entertaining their request for the tax abatement. He thanked everyone in the government that they have been working with. He said they always do everything they can to be a good neighbor.

Chief Executive Babb opened the public hearing at 7:50 PM and called for proponents. Speaking as proponents were:

Tom Richardson, 5 Holly Lane, Butte
Jim Smitham, Butte

Ed Pape 1714 Harrison Ave., Butte
Brooks Hanna, Ford Dealership, Butte
J. R. Richardson, Caledonia Street, Butte
Bill Markovich, Markovich Construction, Butte
Pat Sullivan, 16 Holy Lane
John Sando. 2320 Continental Drive
Dee Sullivan, 3456 Wharton, Butte
Randy Northey, Butte
Michelle Shea, 2309 Harvard, Butte
Shawn Cooper, 941 Waukesha, Butte
Ron Hjelt, 720 Daly
Laurie Raymond, 5 McKinley Ave., Butte
Mary McMahon read a letter of support from Daryl McDaniel, 130 Rye

Speaking as opponents were:

Nick Cocergine, P. O. Box 567, Butte
Brent Richards, 2920 Harvard

Chief Executive Babb then closed the public hearing at 8:35PM

SECTION III PRESENTATION

COMMUNICATION NO. 06-227

Mark Reavis, Property Management and Preservation Officer, requesting time on 4/19/06 agenda to present community enrichment violations at 31 Missoula St.

Mark Reavis, passed out some handouts showing pictures of the house in question at 31 Missoula. The issue where we are at now is that all those problems have impacted the neighbors around and have immediately impacted the adjacent neighbor with cancellation of their homeowners insurance. His recommendation is to notice the owner of record to appear before Butte-Silver Bow Council of Commissioners for a public hearing to have the owner of 31 Missoula to establish the scope of work and completion date schedule for each item with immediate implementation of corrective actions to the home site conditions, correcting all blighted and visual and deteriorated conditions in non-compliance by the owner including but not limited to the missed completion dates will allow Butte-Silver Bow Health Department to take corrective action and seek reimbursement of same. He asked for Council's concurrence with the citations under the Community Enrichment local ordinance and that the property and corrective actions be taken as afore mentioned. Commissioner O'Leary replied "So moved" and hold in Committee of the Whole" The motion was seconded by Commissioner Bury and carried by a unanimous verbal vote.

SECTION IV

CONSENT AGENDA

- A.**
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT
 - 5. RULES COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. Commissioner Sheehy segregated the Rules Committee Report. Commissioner O'Leary had a "friendly amendment" for Communication 06-228 to change the recommendation to "refer to Finance and Budget Committee" and also a He also segregated Communication No. 06-230.

It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4, Section B, Items 1 through 23 with the exception of No. 17.

It was moved by Commissioner Sheehy, seconded by Commissioner Fay and carried with a unanimous verbal vote to send the Rules Committee Report to committee.

It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to change the recommendation on Communication No. 06-230 to "deny and place on file."

SECTION V

COMMUNICATIONS TO BE READ AND ACTED UPON

- 1. 06-223 Eric Hassler, Environmental Health Specialist, requesting concurrence for the demolition of the dilapidated building located at 419 Colorado.

Eric Hassler came to the microphone and explained the demolition of this property would be paid for by Community Enrichment Funds. This is not property owned by Butte-Silver Bow. The owner of record is Tom Duce. We have not been able to contact him. Our recommendation is to demolish the structure and remove all junk and debris from the property. We would like to meet with the Historic Preservation Board on May 2nd to insure that we are in compliance with the Historic Preservation regulations and we would also like to have a public hearing on May 17th to insure due diligence for this property owner due to fact that he has never responded.

It was moved by Commissioner Sheehy, seconded by Commissioner Kerns and carried by a unanimous verbal vote to demolish the building at 419 Colorado.

2. 06-225 Paul Babb, Chief Executive, requesting approval of Three Bears Alaska's request for a tax abatement under MCA 15-24-1402 and authorization for Chief Executive to sign all related documents.

It was moved by Commissioner Kerns, seconded by Commissioner Bury and carried by roll call vote of 12 and 0 nays to approve the tax abatement subject to the conditions that were outlined tonight with the exclusion of the 20' poles if they are not feasible in their project, the Planning staff can work to not only benefit them but the neighborhood as well. Also grant authorization for Chief Executive to sign tax abatement and place on file.

SECTION VI

ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 06-25

A RESOLUTION APPROVING THE BUTTE-SILVER BOW DUI TASK FORCE PROGRAM FOR FISCAL YEAR BEGINNING 2006 AND APPROVING THE TRANSFER OF CERTAIN ASSETS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 06-26

A RESOLUTION AUTHORIZING AND APPROVING AND THE SALE OF CERTAIN PARCELS OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO ADJOINING OWNERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 06-28

A RESOLUTION DETERMINING THAT CERTAIN UNSOLD TAX-DEED LAND SHOULD BE DONATED TO THE TOWN OF WALKERVILLE, A MONTANA MUNICIPAL CORPORATION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-8-2301 (3), MCA PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VII

ORDINANCES AND RESOLUTIONS – FINAL READING

**1. COUNCIL BILL NO. 06-2
ORDINANCE NO. 06-2**

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SPEED LIMIT;” ESTABLISHING A 35 MPH SPEED LIMIT ON HANSEN ROAD BEGINNING AT ITS INTERSECTION WITH BEEF TRAIL ROAD AND MONTANA STREET ON THE NORTH AND CONTINUING SOUTH TO A POINT 0.702 MILES ON THE SOUTH; ESTABLISHING A 25 MPH SPEED LIMIT ON HANSEN ROAD FROM A POINT 0.971 MILES SOUTH OF ITS INTERSECTION WITH BEEF TRAIL ROAD AND MONTANA STREET ON THE NORTH TO HOLMES AVENUE ON THE SOUTH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to send Council Bill No. 06-2, Ordinance No. 06-2 back to Judiciary Committee for clarification.**

**2. COUNCIL BILL NO. 06-3
ORDINANCE NO. 06-3**

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND SECTION 10.32.010 (c) OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BSB MC) ENTITLED “STOP SIGNS”; PROVIDING THAT ALL TRAFFIC PROCEEDING ALONG COYOTE LAND SHALL STOP BEFORE ENTERING THE INTERSECTION OF COYOTE LAND AND LITTLE BASIN ROAD AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Bill No. 06-3, Ordinance No. 06-3 on final reading and passed having been deemed fully read at length.**

**3. COUNCIL BILL NO. 06-4
ORDINANCE NO. 06-4**

AN ORDINANCE AMENDING SECTION 4 OF SUBSECTION 16.02 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND SUBSECTIONS (A), (B), (C), (D), (E) AND (F) OF SECTION 10.52.025 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); B-SB MC; ADDING A NEW SUBSECTION TO BE NUMBERED 10.52.025(G),B-SB MC; PROHIBITING PARKING ON PORTIONS OF COLORADO, DAKOTA, GRANITE, MERCURY, MONTANA, SILVER AND WYOMING STREETS BETWEEN THE HOURS OF 6:00 A.M. AND 1:00 P.M. ON MARCH 17TH OF EACH YEAR AND

DELETING THE PROHIBITION AGAINST PARKING ON PORTIONS OF BROADWAY, IDAHO AND PARK STREETS DURING SUCH HOURS; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Bill No. 06-4, Ordinance No. 06-4 on final reading and passed having been deemed fully read a length.**

**4. COUNCIL BILL NO. 06-5
ORDINANCE NO. 06-5**

AN ORDINANCE AMENDING CHAPTER 10.52 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “PARKING”; PROVIDING FOR CONSTRUCTION PARKING ZONES; AUTHORIZING THE PARKING COMMISSION TO DESIGNATE CONSTRUCTION PARKING ZONES, LIMITS FOR CONSTRUCTION PARKING ZONES AND AUTHORIZING EXTENSIONS OF SUCH TIME LIMITS; ADDING NEW SECTIONS TO BE NUMBERED 10.52.701, 10.52.703, 10.52.705, 10.52.707, AND 10.52.709M B-SB MC; AMENDING SECTION 10.52.720M B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Bill No. 06-5, Ordinance No. 06-5 on final reading and passed having been deemed fully read at length.**

5. COUNCIL RESOLUTION NO. 06-9

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THE ALLEY ADJACENT TO LOTS 5 THROUGH 9 IN BLOCK 27 OF THE SOUTH PARK ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 06-9 on final reading and passed having been deemed fully read at length.**

6. COUNCIL RESOLUTION NO. 06-23

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE IN THE FORM OF AN INTERGOVERNMENTAL LOAN TO THE EAST BUTTE RENOVATION AND REHABILITATION AGENCY FROM THE URBAN REVITALIZATION AGENCY TO BE EXPENDED IN THE NEWLY ESTABLISHED EAST

BUTTE URBAN RENEWAL AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 06-23 on final reading and passed having been deemed fully read at length.

7. COUNCIL RESOLUTION NO. 06-24

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 40 EAST GRANITE STREET, AND MORE PARTICULARLY DESCRIBED AS LOTS 5-9, BLOCK 25 OF THE ORIGINAL BUTTE TOWNSITE FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 06-24 on final reading and passed having been deemed fully read at length.

Emergency Resolution No. 06-27

A RESOLUTION DECLARING THE INTENTION TO CREATE A SPECIAL LIGHTING DISTRICT, TO BE KNOWN AS SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1024.

County Attorney McCarthy told Council it was not his intention to have Resolution No. 06-27 final passed tonight. He wants it referred to the Judiciary Committee

It was moved that Council Resolution No. 06-27 be referred to the Judiciary Committee. The motion was seconded by Commissioner Bury and passed with a unanimous verbal vote.

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 9:30 PM

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER